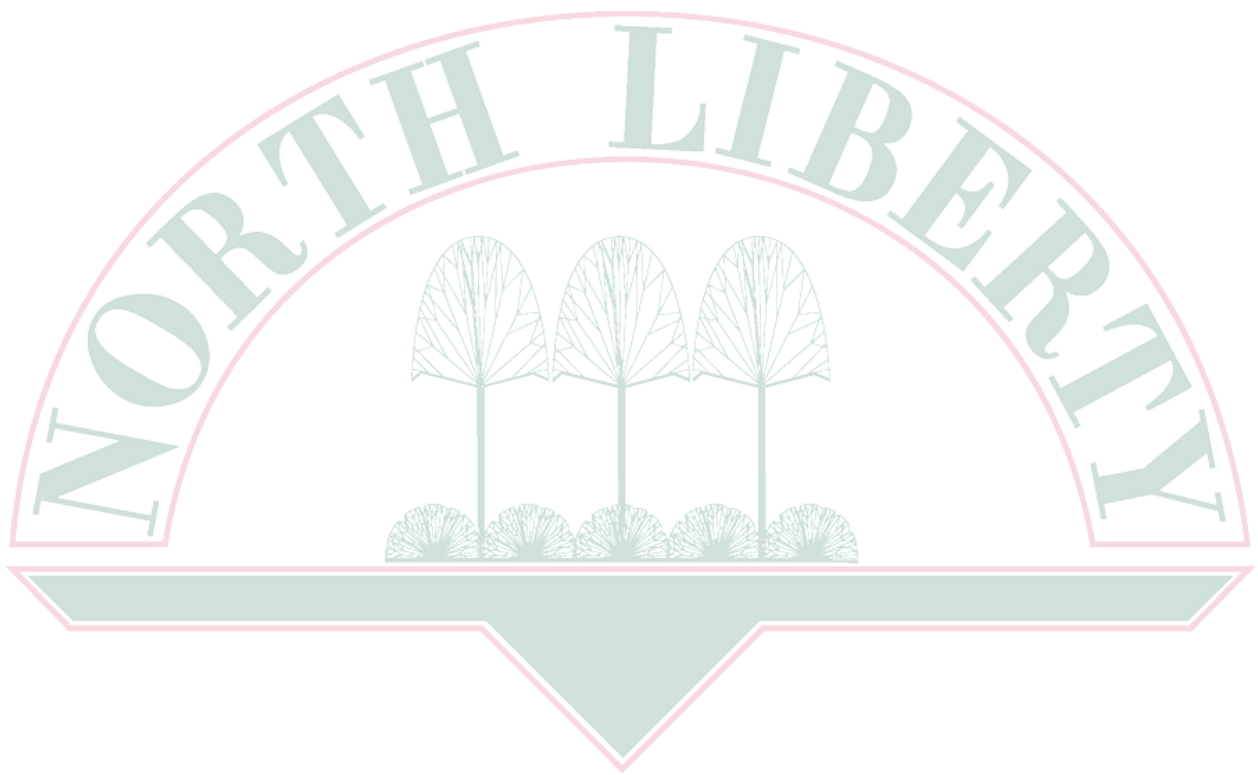




**North Liberty City Council
Special Session
March 20, 2018**

Agenda



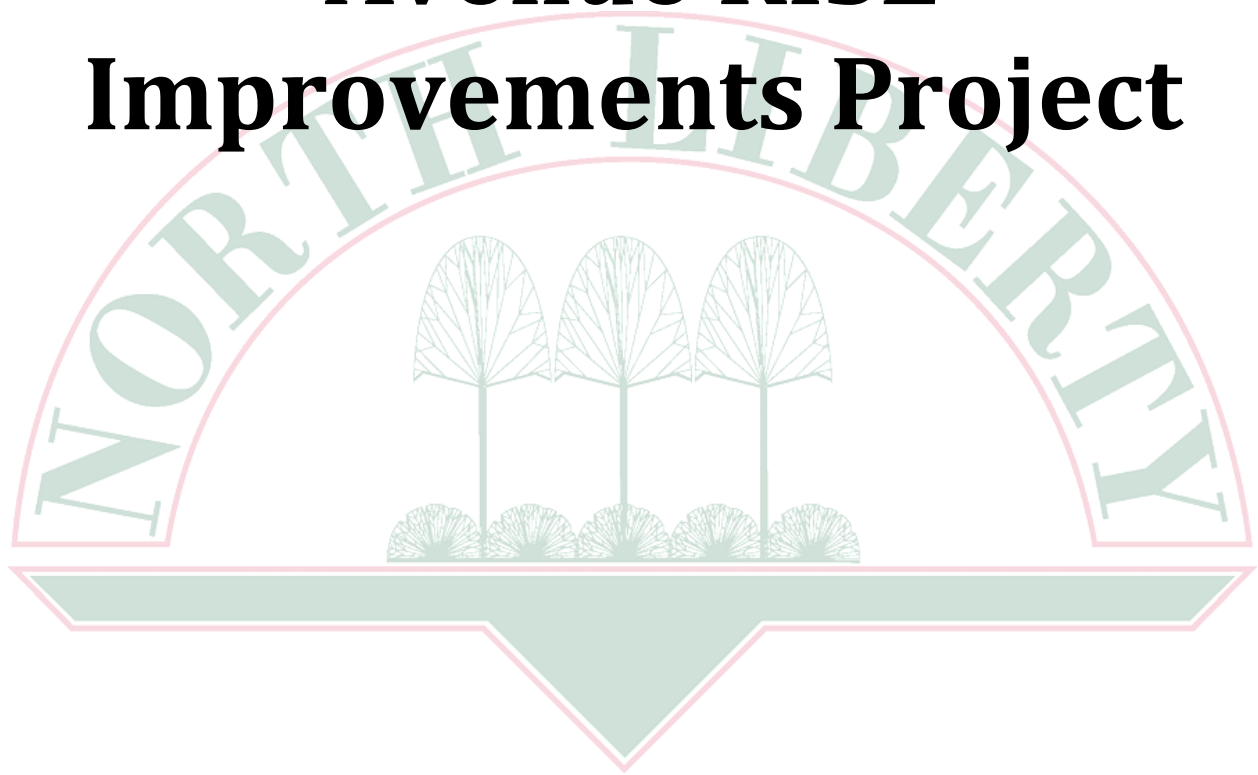


Agenda

North Liberty City Council
AGENDA
Tuesday, March 20, 2018
Special Session
6:30 p.m.
City Council Chambers
1 Quail Creek Circle

1. Call to order
2. Roll call
3. Approval of the Agenda
4. North Liberty Kansas Avenue RISE Improvements Project
 - a. Public Hearing on the North Liberty Kansas Avenue RISE Improvements Project acquisition of property, site design, and location: 6:30 PM
 - b. Resolution Number 2018-32 Approving to Proceed with a Public Improvement, the North Liberty Kansas Avenue RISE Improvements Project
5. Approval of Appraisals for the North Liberty Kansas Avenue RISE Improvements Project
 - a. Resolution Number 2018-33 Establishing Just Compensation for Acquisition of Certain Real Property for a Public Improvement, the North Liberty Kansas Avenue RISE Improvements Project, for property owned by Beverly A. Seelman and James M. Seelman in the amount of \$3,300.00
 - b. Resolution Number 2018-34 Establishing Just Compensation for Acquisition of Certain Real Property for a Public Improvement, the North Liberty Kansas Avenue RISE Improvements Project, for property owned by Joyce K. Rarick and Robert A. Rarick in the amount of \$26,500.00
 - c. Resolution Number 2018-35 Establishing Just Compensation for Acquisition of Certain Real Property for a Public Improvement, the North Liberty Kansas Avenue RISE Improvements Project, for property owned by William Allen Deatsch in the amount of \$15,800.00
6. Adjournment

**North Liberty Kansas
Avenue RISE
Improvements Project**



RESOLUTION NO. _____

**APPROVAL TO PROCEED WITH A PUBLIC IMPROVEMENT,
THE NORTH LIBERTY KANSAS AVENUE RISE IMPROVEMENTS PROJECT**

WHEREAS, a public hearing was held on the proposed North Liberty Kansas Avenue RISE Improvements Project, on the 20th day of March, 2018.

WHEREAS, persons interested in the project presented their views regarding the proposed Public Improvement, The North Liberty Kansas Avenue RISE Improvements Project, and regarding the proposed acquisition of property for the North Liberty Kansas Avenue RISE Improvements Project.

WHEREAS, the City Council of the City of North Liberty, Iowa has determined that the project serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA, AS FOLLOWS:

The North Liberty Kansas Avenue RISE Improvements Project, is approved; the final site-specific design and location for the project is approved and adopted; the funding shall be provided for the project to proceed to completion; the acquisition of all or a portion of the properties needed for the project, by condemnation if necessary, is hereby approved and authorized; and Dennis Cronk with Cook Appraisal, Inc., has been engaged to make appraisals to determine just compensation to be paid to the owners for each property or property interest that is needed to be acquired for the project.

Passed, approved and adopted this 20th day of March, 2018.

CITY OF NORTH LIBERTY, IOWA

By _____
Terry L. Donahue, Mayor

ATTEST:

By: _____
Tracey Mulcahey, City Clerk

**Appraisals for North
Liberty Kansas Avenue
RISE Improvements
Project**



RESOLUTION NO. _____

**ESTABLISHING JUST COMPENSATION FOR ACQUISITION
OF CERTAIN REAL PROPERTY FOR A PUBLIC IMPROVEMENT,
THE NORTH LIBERTY KANSAS AVENUE RISE IMPROVEMENTS PROJECT**

WHEREAS, the City of North Liberty, Iowa, for the North Liberty Kansas Avenue RISE Improvements Project intends to acquire certain interests ("Property") in real property owned by James M. Seelman and Beverly A. Seelman. Said Property is more specifically and legally described as follows:

A temporary construction easement on that part of the South Half of the Southwest Quarter of Section 14, Township 80 North, Range 7 West of the 5th P.M., Johnson County, Iowa described as follows:

Beginning at the Southwest corner of the said Southwest Quarter;
thence North 0°26'19" East 1327.87 feet along the west line of said Southwest Quarter (assumed bearing for this description only);
thence South 89°33'41" East 43.00 feet along the north line of the south half of said Southwest Quarter;
thence South 0°26'19" West 1124.27 feet;
thence North 90°00'00" East 96.71 feet;
thence South 0°00'00" East 48.19 feet;
thence North 90°00'00" West 45.00 feet;
thence North 75°45'34" West 53.63 feet;
thence South 0°26'19" West 168.69 feet to a point of intersection with the south line of said Southwest Quarter;
thence North 89°27'40" West 43.00 feet along said south line to the point of beginning and containing a net area of 0.4 acres which excludes the presently established right-of-way.

AND WHEREAS, Chapter 6B, Code of Iowa, requires that the City of North Liberty, Iowa must make a good-faith effort to negotiate with James M. Seelman and Beverly A. Seelman to purchase the Property before proceeding with condemnation;

AND WHEREAS, the City of North Liberty, Iowa may not make an offer to purchase the Property which is less than the fair market value the City of North Liberty, Iowa has established for the Property;

AND WHEREAS, the City of North Liberty, Iowa has caused an appraisal of the Property to be made to determine the difference in the fair market value of the Property immediately before and immediately after the acquisition of a portion of the Property needed for the Project.

AND WHEREAS, the City of North Liberty, Iowa now desires to establish just compensation for the acquisition of a portion of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE OF THE CITY OF NORTH LIBERTY, IOWA, AS FOLLOWS:

1. Just Compensation for the Property owned by James M. Seelman and Beverly A. Seelman is hereby established to be \$3,300.00.
2. The City Attorney is hereby directed to submit a copy of the appraisal to James M. Seelman and Beverly A. Seelman as required by Section 6B.45, Code of Iowa, and to commence negotiations with James M. Seelman and Beverly A. Seelman for the purchase of the Property needed for the North Liberty Kansas Avenue RISE Improvements Project for the amount of \$3,300.00, which is just compensation therefore established by this Resolution.

APPROVED AND ADOPTED this 20th day of March, 2018.

CITY OF NORTH LIBERTY:

Terry L. Donahue, Mayor

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

Tracey Mulcahey, City Clerk

RESOLUTION NO. _____

**ESTABLISHING JUST COMPENSATION FOR ACQUISITION
OF CERTAIN REAL PROPERTY FOR A PUBLIC IMPROVEMENT,
THE NORTH LIBERTY KANSAS AVENUE RISE IMPROVEMENTS PROJECT**

WHEREAS, the City of North Liberty, Iowa, for the North Liberty Kansas Avenue RISE Improvements Project intends to acquire certain interests ("Property") in real property owned by Robert A. Rarick and Joyce K. Rarick from Property. Said Property is more specifically and legally described as follows:

Right of Way Acquisition

That part of Lot 1, Rarified Acres (Final Plat recorded in Plat Book 56, Page 138 at the Johnson County Recorder's Office), Johnson County, Iowa described as follows:

Beginning at the southwest corner of said Lot 1, said corner being on the west line of the Northwest Quarter of Section 23, Township 80 North, Range 7 West of the 5th P.M.;

thence North 0°05'50" East 418.85 feet along the west line of said Lot 1 and the west line of said Northwest Quarter (assumed bearing for this description only) to the northwest corner of said Lot 1;

thence North 89°54'10" East 33.00 feet along a northerly line of said Lot 1;

thence North 86°41'40" East 9.52 feet along a northerly line of said Lot 1;

thence South 0°05'50" East 419.32 feet along a line parallel with and 42.50 feet east of the west line of said Lot 1, said line also being parallel with and 42.50 feet east of the west line of said Northwest Quarter to a point of intersection with the south line of said Lot 1;

thence South 89°48'54" West 42.50 feet along the south line of said Lot 1 to the point of beginning.

Area: Gross Area 17,803 square feet. Net Area 3,982 square feet which excludes the presently established right-of-way of Kansas Avenue.

Permanent Drainage Easement

A permanent drainage easement on that part of Lot 1, Rarified Acres (Final Plat recorded in Plat Book 56, Page 138 at the Johnson County Recorder's Office), Johnson County, Iowa described as follows:

Commencing as a point of reference at the northwest corner of said Lot 1, said corner being on the west line of the Northwest Quarter of Section 23, Township 80 North, Range 7 West of the 5th P.M.;

thence North 89°54'10" East 33.00 feet along a northerly line of said Lot 1 (assumed bearing for this description only);

thence North 86°41'40" East 9.52 feet along a northerly line of said Lot 1;

thence South 0°05'50" East 11.77 feet along a line parallel with and 42.50 feet east of the west line of said Lot 1, said line also being parallel with and 42.50 feet east of the west line of said Northwest Quarter to the point of beginning;

thence North 89°54'10" East 30.00 feet;

thence South 0°05'50" East 15.00 feet;

thence South 89°54'10" West 30.00 feet to a point 42.50 feet east of the west line of said Lot 1, said point also being 42.50 feet east of the west line of said Northwest Quarter;

thence North 0°05'50" East 15.00 feet a line parallel with and 42.50 feet east of the west line of said Lot 1, said line also being parallel with and 42.50 feet east of the west line of said Northwest Quarter to the point of beginning and containing 450 square feet more or less.

Temporary Construction Easement

A temporary construction easement on that part of Lot 1, Rarified Acres (Final Plat recorded in Plat Book 56, Page 138 at the Johnson County Recorder's Office), Johnson County, Iowa described as follows:

Beginning at the southwest corner of said Lot 1, said corner being on the west line of the Northwest Quarter of Section 23, Township 80 North, Range 7 West of the 5th P.M.;

thence North 0°05'50" West 419.32 feet along the west line of said Lot 1 (assumed bearing for this description only) to the northwest corner of said Lot 1;

thence North 89°54'10" East 33.00 feet along a northerly line of said Lot 1;

thence North 86°41'40" East 64.60 feet along said northerly line;

thence South 0°05'50" East 47.58 feet;

thence South 89°54'10" West 55.00 feet;

thence South 0°05'50" East 218.63 feet;

thence North 89°54'10" East 12.00 feet;

thence South 0°05'50" East 20.00 feet;

thence South 89°54'10" West 12.00 feet;

thence South 0°05'50" East 111.19 feet;

thence North 89°54'10" East 25.00 feet;

thence South 0°05'50" East 25.00 feet to a point of intersection with the south line of said Lot 1;

thence South 89°48'54" West 67.5 feet along said south line to the point of beginning and containing a net area of 3,397 square feet more or less which exclude the presently established right-of-way and the additional right-of-way to be acquired.

AND WHEREAS, Chapter 6B, Code of Iowa, requires that the City of North Liberty,

Iowa must make a good-faith effort to negotiate with Robert A. Rarick and Joyce K. Rarick to purchase the Property before proceeding with condemnation;

AND WHEREAS, the City of North Liberty, Iowa may not make an offer to purchase the Property which is less than the fair market value the City of North Liberty, Iowa has established for the Property;

AND WHEREAS, the City of North Liberty, Iowa has caused an appraisal of the Property to be made to determine the difference in the fair market value of the Property immediately before and immediately after the acquisition of a portion of the Property needed for the Project.

AND WHEREAS, the City of North Liberty, Iowa now desires to establish just compensation for the acquisition of a portion of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE OF THE CITY OF NORTH LIBERTY, IOWA, AS FOLLOWS:

1. Just Compensation for the acquisition and easements for portions of the Property owned by Robert A. Rarick and Joyce K. Rarick is hereby established to be \$26,500.00.
2. The City Attorney is hereby directed to submit a copy of the appraisal to Robert A. Rarick and Joyce K. Rarick as required by Section 6B.45, Code of Iowa, and to commence negotiations with Robert A. Rarick and Joyce K. Rarick for the purchase of the Property needed for the North Liberty Kansas Avenue RISE Improvements Project for the amount of \$26,500.00, which is just compensation therefore established by this Resolution.

APPROVED AND ADOPTED this ____ day of _____, 2018.

CITY OF NORTH LIBERTY:

Terry L. Donahue, Mayor

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

Tracey Mulcahey, City Clerk

RESOLUTION NO. _____

**ESTABLISHING JUST COMPENSATION FOR ACQUISITION
OF CERTAIN REAL PROPERTY FOR A PUBLIC IMPROVEMENT,
THE NORTH LIBERTY KANSAS AVENUE RISE IMPROVEMENTS PROJECT**

WHEREAS, the City of North Liberty, Iowa, for the North Liberty Kansas Avenue RISE Improvements Project intends to acquire certain interests ("Property") in real property owned by William Allen Deatsch. Said Property is more specifically and legally described as follows:

Right of Way Acquisition

That part of Lot 1, Deatsch Second Subdivision (Final Plat recorded in Plat Book 32, Page 99 at the Johnson County Recorder's Office), Johnson County, Iowa described as follows:

Beginning at the northeast corner of said Lot 1, said corner being on the east line of the Southeast Quarter of Section 15, Township 80 North, Range 7 West of the 5th P.M.;

thence South 0°00'00" East 466.76 feet along the east line of said Lot 1 and said Southeast Quarter (assumed bearing for this description only) to the southeast corner of said Lot 1;

thence South 89°23'23" West 42.50 feet along the south line of said Lot 1 to a point 42.50 feet west of the southeast corner of said Lot 1;

thence North 0°00'00" East 466.76 feet along a line parallel with and 42.5 feet west of the east line of said Lot 1, said line also being parallel with and 42.50 feet west of the east line of said Southeast Quarter to a point of intersection with the north line of said Lot 1;

thence North 89°22'55" East 42.50 feet along the north line of said Lot 1 to the point of beginning.

Area: Gross Area 19,837 square feet. Net Area 4,434 square feet.

Permanent Draining Easement

That part of Lot 1, Deatsch Second Subdivision (Final Plat recorded in Plat Book 32, Page 99 at the Johnson County Recorder's Office), Johnson County, Iowa described as follows:

Commencing as a point of reference at the northeast corner of said Lot 1;

thence South 89°22'55" West 42.50 feet along the north line of said Lot 1 (assumed bearing for this description only);

thence South 0°00'00" East 283.36 feet along a line parallel with and 42.50 feet west of the east line of said Lot 1 to the point of beginning;

thence continuing South 0°00'00" East 15.00 feet along said line;

thence North 90°00'00" West 20.00 feet;

thence North 0°00'00" East 15.00 feet;
thence North 90°00'00" East 20.00 feet to the point of beginning and
containing 300 square feet more or less.

Temporary Construction Easement

That part of Lot 1, Deatsch Second Subdivision (Final Plat recorded in Plat Book 32, Page 99 at the Johnson County Recorder's Office), Johnson County, Iowa described as follows:

Commencing as a point of reference at the northeast corner of said Lot 1;

thence South 89°22'55" West 42.50 feet along the north line of said Lot 1 (assumed bearing for this description only) to the point of beginning;

thence South 0°00'00" East 466.76 feet along a line parallel with and 42.50 feet west of the east line of said Lot 1 to a point of intersection with the south line of said Lot 1;

thence South 89°23'23" West 30.00 feet along said south line;

thence North 0°00'00" East 185.00;

thence North 90°00'00" West 45.00 feet;

thence North 0°00'00" East 125.00 feet;

thence North 90°00'00" East 30.00 feet;

thence North 0°00'00" East 40.00 feet;

thence North 90°00'00" East 15.00 feet;

thence North 0°00'00" East 116.75 feet to a point of intersection with the north line of said Lot 1

thence North 89°22'55" East 30.00 feet along said north line to the point of beginning and containing 0.46 acres more or less.

AND WHEREAS, Chapter 6B, Code of Iowa, requires that the City of North Liberty, Iowa must make a good-faith effort to negotiate with William Allen Deatsch to purchase the Property before proceeding with condemnation;

AND WHEREAS, the City of North Liberty, Iowa may not make an offer to purchase the Property which is less than the fair market value the City of North Liberty, Iowa has established for the Property;

AND WHEREAS, the City of North Liberty, Iowa has caused an appraisal of the Property to be made to determine the difference in the fair market value of the Property immediately before and immediately after the acquisition of a portion of the Property needed for the Project.

AND WHEREAS, the City of North Liberty, Iowa now desires to establish just compensation for the acquisition of a portion of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE OF THE CITY OF NORTH LIBERTY, IOWA, AS FOLLOWS:

1. Just Compensation for the Property owned by William Allen Deatsch is hereby established to be \$15,800.00.
2. The City Attorney is hereby directed to submit a copy of the appraisal to William Allen Deatsch as required by Section 6B.45, Code of Iowa, and to commence negotiations with William Allen Deatsch for the purchase of the Property needed for the North Liberty Kansas Avenue RISE Improvements Project for the amount of \$15,800.00, which is just compensation therefore established by this Resolution.

APPROVED AND ADOPTED this 20th day of March, 2018.

CITY OF NORTH LIBERTY:

Terry L. Donahue, Mayor

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

Tracey Mulcahey, City Clerk